

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Adoption of a Resolution Accepting a Sidewalk Easement for Property Necessary to Construct a Sidewalk Along a Portion of West 25th Street (County Road 46A)

DEPARTMENT: Public Works

DIVISION: Engineering

AUTHORIZED BY: Gary Johnson

CONTACT: Warren Lewis

EXT: 5658

MOTION/RECOMMENDATION:

Adopt a Resolution accepting a Sidewalk Easement from Florida Retail Specialists, Inc., for property needed to construct a sidewalk along a portion of West 25th Street (County Road 46A).

District 5 Brenda Carey

Jerry McCollum

BACKGROUND:

The construction of a sidewalk adjacent to West 25th Street (County Road 46A) will require an easement not currently owned by Seminole County. Florida Retail Specialists, Inc., a Florida Corporation, has indicated its willingness to donate said easement as evidenced by the attached executed Sidewalk Easement.

STAFF RECOMMENDATION:

Staff recommends the Board adopt the Resolution accepting a Sidewalk Easement from Florida Retail Specialists, Inc., for property needed to construct a sidewalk along a portion of West 25th Street (County Road 46A).

ATTACHMENTS:

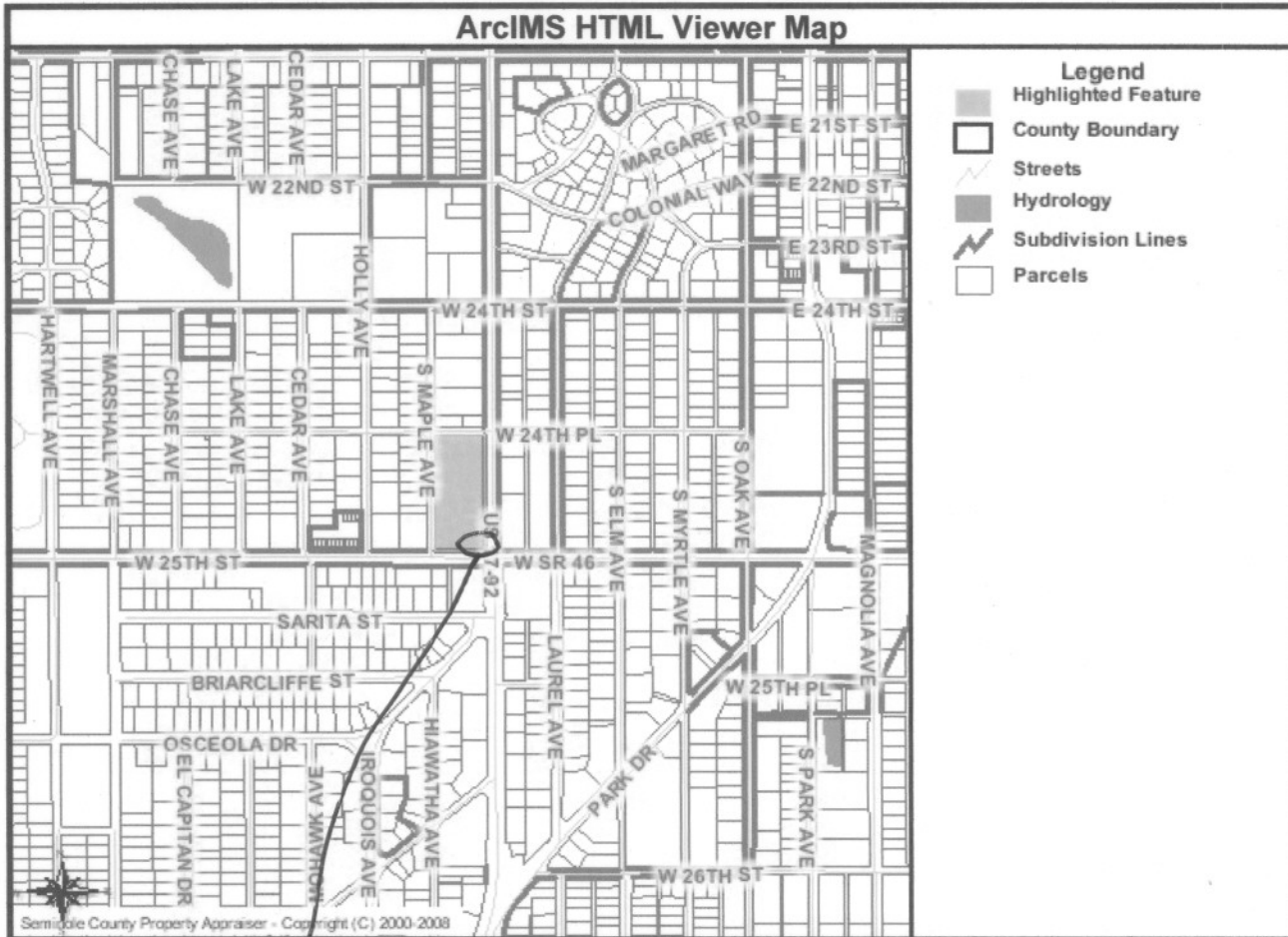
1. Location Map
2. Resolution
3. Sidewalk Easement - W. 2th Street

Additionally Reviewed By:

☒ County Attorney Review (Matthew Minter)

Location Map

ArcIMS HTML Viewer Map



Subject Parcel

RESOLUTION NO. 2008-R-_____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE ____ DAY OF _____, 2008.**

WHEREAS, it has been determined by the Board of County Commissioners of Seminole County that a necessity exists for protection of pedestrians along a portion of W. 25th Street a/k/a County Road 46A, located in Section 36, Township 19 South, Range 30 East, in Seminole County, Florida; and

WHEREAS, the protection of pedestrians will require an easement that is not owned by the County of Seminole; and

WHEREAS, Florida Retail Specialists, Inc., A Florida Corporation has indicated their willingness to donate to Seminole County the required Sidewalk Easement as evidenced by the executed Sidewalk Easement accompanying this resolution.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seminole County, Florida, hereby accepts the accompanying Sidewalk Easement conveying to Seminole County an easement over the land described within the Sidewalk Easement attached hereto.

BE IT FURTHER RESOLVED that the aforementioned Sidewalk Easement be recorded in the Official Records of Seminole County, Florida.

ADOPTED THIS ____ DAY OF _____, 2008.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

Brenda Carey, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
03-06-2008

Document prepared by:
Warren Lewis, R/W-NAC, Right-of-Way Agent
Right-of-Way Section
Seminole County Engineering
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Approved by:
Steve L. Wessels, P.L.S.
County Surveyor
Seminole County Engineering
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT is made and entered into this 27 day of February, 2008, by and between FLORIDA RETAIL SPECIALISTS, INC., A Florida Corporation, whose address is 6700 Conroy Road, Orlando, Florida, 32835, hereinafter referred to as the GRANTOR, and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the GRANTEE;

WHEREAS, the purpose of this grant of easement is to facilitate the GRANTEE'S establishment of continuous sidewalks along its roads and streets for the benefit of the public,

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the GRANTOR does hereby grant and convey to the GRANTEE and its successors and assigns, an exclusive, perpetual, permanent easement and right-of-way for the construction and maintenance of a sidewalk, with full authority to enter upon (by means of abutting property reasonably required to attain such access), construct, reconstruct and maintain, as the GRANTEE and its successors and assigns may deem necessary, a sidewalk over, under, upon, and through the following described lands situate in the County of Seminole, State of Florida, to-wit:

See Sketch of Description and Legal Description attached hereto as Exhibits "A-1" and "A-2."

Property Appraiser's Parent Parcel Identification No.:
36-19-30-524-1600-0010

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE its successors and assigns forever.

GRANTEE its successors and assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation, repair or maintenance of the sidewalk installed thereon by the GRANTEE, its successors and assigns and the GRANTOR, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the sidewalk.

GRANTEE, as part of the consideration for this grant, agrees, to the extent permitted by Section 768.28, Florida Statutes, to hold and indemnify the GRANTOR against any and all claims, losses, damages or lawsuits for damages, arising from, allegedly arising from or related to the GRANTEE'S construction, operation, repair or maintenance of the sidewalk within said easement area. GRANTOR agrees that, to the extent it receives or has actual knowledge of any hazardous or potentially hazardous condition in the easement area, it shall provide written notification thereof to the GRANTEE.

GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey the said easement and that it is free from all encumbrances.

IN WITNESS WHEREOF, GRANTOR has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized the day and year first above written.

WITNESSES

(Sign)

Print Name:

(Sign)

Print Name:

FLORIDA RETAIL SPECIALISTS, INC.,
A Florida Corporation

Alan C. Charron

Director

(CORPORATE SEAL)

STATE OF FLORIDA)

) SS

COUNTY OF Orange)

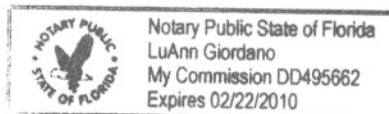
I HEREBY CERTIFY, that on this 27 day of February, 2008, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Alan C. Charron, Director of FLORIDA RETAIL SPECIALISTS, INC., A Florida Corporation. He is personally known to me or has produced Personally known as identification and did/did not take an oath.

For the use and reliance of Seminole
County only. Approved as to form and legal
sufficiency.

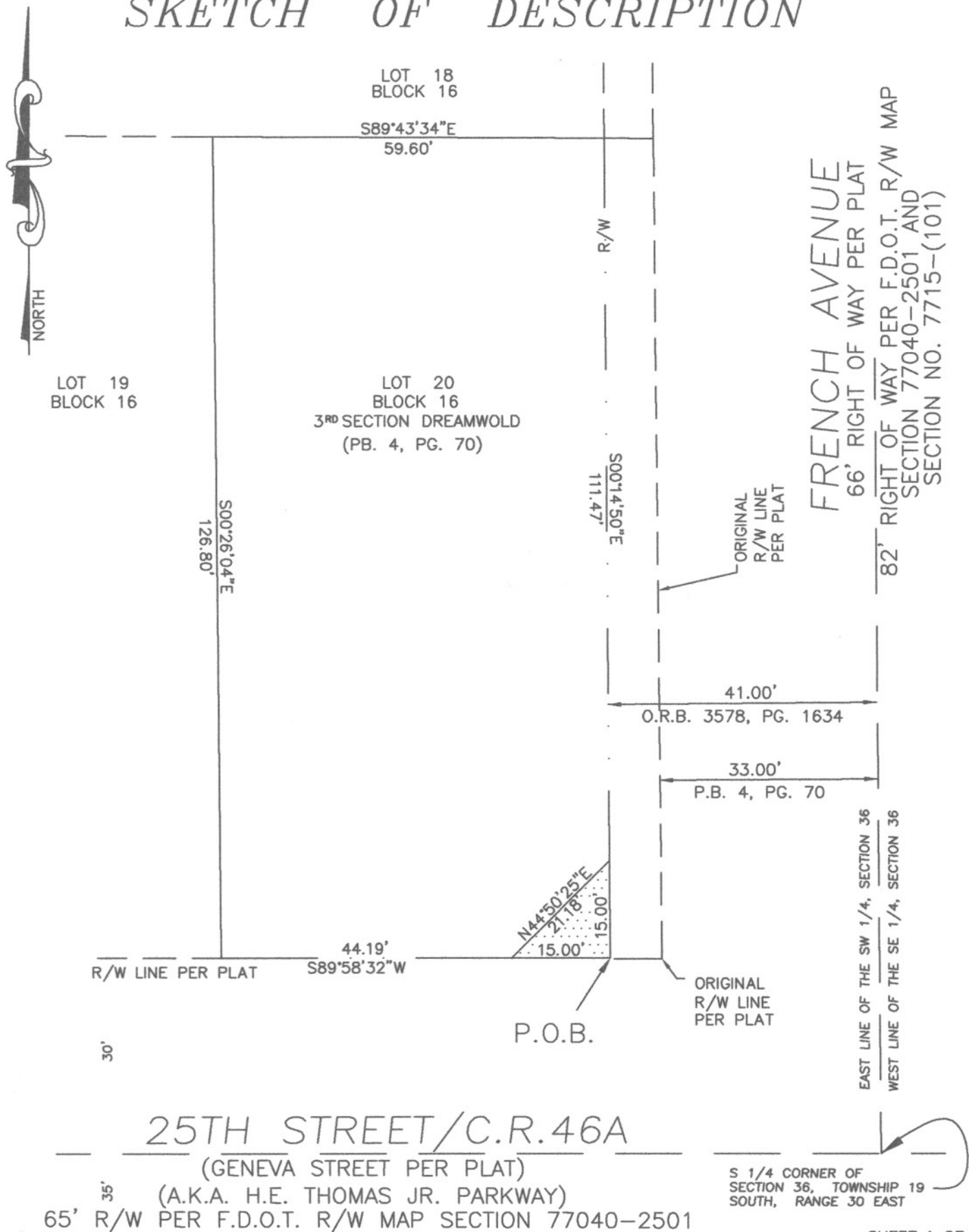
Print Name:

Notary Public in and for the County and
State Aforementioned

County Attorney



SKETCH OF DESCRIPTION



SHEET 1 OF 2

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER.

BY:

STEVE L. WESSELS, P.L.S., FEA, CERT. # 4589

LEGEND

△ CENTRAL ANGLE (DELTA)	PB - PLAT BOOK
R - RADIUS	PG - PAGE (S)
CB - CHORD BEARING	ORB - OFFICIAL RECORDS BOOK
L - ARC LENGTH	SEC - SECTION - TOWNSHIP - RANGE
C - CHORD	PCL - PARCEL
○ SET IRON PIN OR PIPE	PC - POINT OF CURVATURE
◦ FOUND IRON PIN OR PIPE	PT - POINT OF TANGENCY
□ SET CONCRETE MONUMENT	PI - POINT OF INTERSECTION
■ FOUND CONCRETE MONUMENT	PCC - POINT OF COMPOUND CURVE
P.O.B. - POINT OF BEGINNING	PRC - POINT OF REVERSE CURVE
P.O.C. - POINT OF COMMENCEMENT	M - MEASURED
P.O.T. - POINT OF TERMINATION	P - PLAT
R/W - RIGHT OF WAY	F - FIELD
D - DEED	C - CALCULATED
C/L - CENTERLINE	P/L - PROPERTY LINE
UTIL - UTILITY	ESMT - EASEMENT

FIELD DATE: N/A

DATE: 05/07/07

JOB NAME: 07-019A

SCALE: 1"=20'

DRAWN BY: L.W.

CHECKED BY:

EXHIBIT "A-1"

LEGAL DESCRIPTION

A portion of that land lying in Section 36, Township 19 South, Range 30 East, Seminole County, Florida; Described as follows: "All of Block Sixteen (16), Third Section of DREAMWOLD, according to the plat thereof recorded in Plat Book 4, Page 70, Seminole County Public Records, less the Easterly Eight (8) feet of Lots Eleven (11) through Eighteen (18), inclusive and less the Easterly Eight (8) feet of Lot Twenty (20) thereof." as recorded in Official Records Book 3180, Page 1647, of the Public Records, Seminole County, Florida.

Said portion of the preceding being more particularly described as follows:

Begin at the intersection of Northerly Right-Of-Way line of 25TH Street/C.R. 46A (Florida Department Of Transportation Right-Of-Way Map Section 77040-2501) and the Westerly Right-Of-Way line of French Avenue (Florida Department Of Transportation Right-Of-Way Map Section 77040-2501 and 7715-(101) being a 41 foot half Right-Of-Way as recorded in Official Records Book 3578, Page 1634, of the Public Records, Seminole County, Florida.); Thence run S89°58'32"W along said Northerly Right-Of-Way line of 25TH street being the South line of said Lot 20 a distance of 15.00 feet; Thence departing said Northerly Right-Of-Way line run N44°50'25"E a distance of 21.18 feet to a point on the Westerly Right-Of-Way line of French Avenue; Thence run S00°14'50"E along said Westerly Right-Of-Way line being the East line of said Lot 20 a distance of 15.00 feet to the Point Of Beginning.

Containing 113 square feet more or less.

SHEET 2 OF 2

SURVEYOR'S NOTES

- 1. THIS IS NOT A SURVEY.
- 2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
- 3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.
- 4. THE GEOMETRY SHOWN HEREON IS BASED ENTIRELY ON THE PLANS PREPARED BY SOUTHEASTERN SURVEYING AND MAPPING AND DATED 11/20/06.

LEGEND

BEARINGS BASED ON :
THE NORTHERLY RIGHT-OF-WAY LINE OF 25TH STREET/C.R.46A
AS BEING S89°58'32"W.

REVISIONS

	DATE	BY	REVISIONS	REQUESTED BY:
1				
2				
3				
4				

JOB NAME: 07-019A	FIELD DATE: N/A	DATE: 05/07/07	SCALE: 1"=20'	DRAWN BY: L.W.	CHECKED BY:
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